



Austin City Council MINUTES

JUNE 23, 1994 - 1:00 P.M.

Mayor Todd called to order the meeting of the Council, noting the absence of Councilmember Reynolds.

MINUTES APPROVED

1. Approval of Minutes for Regular Meeting of June 16, 1994 and Special Meetings of June 15, and 16, 1994

Approved on Councilmember Garcia's motion, Councilmember Shea's second, 6-0 vote, Councilmember Reynolds absent.

CITIZEN COMMUNICATIONS: GENERAL

2. Ms. Elizabeth Morgan, to thank the City Council for funding Connections and request that the project be re-funded. Encourage City Council to continue funding projects for children, families and caregivers.
3. JoAnna Guerra, to thank the City Council for funding the Resource Center and to request that they consider re-funding the center for child care professionals and parents.
4. Mr. Brent White, to request "no more corruption;" and to support the possible citizens initiative petition for meaningful campaign finance reform.
Not present
5. Ms. Charlene Shillman, to discuss Eric Mitchell's philosophy of "Don't spend money that we don't have;" was beneficial in getting him elected to City Council. That same philosophy could get the plans by William Pryor for The Museum of Fine Arts accepted and save the City \$11 million.
6. Mr. Gus Pena, to discuss community issues.
7. Mr. Clovis Heimsath, to present Design Commission's recommendations for Downtown Austin.
Not present
8. Mr. Milosav Cekic, to present the Design Commission's recommendations for Downtown Austin.
9. Mr. Leonard Lyons, to discuss Becky Gadell's use of Channel 6 to influence election results and to enhance personal relationships.
10. Mr. Paul Robbins, to discuss City issues.
11. Mr. Lance Winters, to discuss serious health concerns at City Hall.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

12. Amend Ordinance No. 930915-A, the 1993-94 General Fund operating budget, by reducing the appropriation for Reappropriation of Departmental Savings by \$92,000 and increasing the appropriation for the Planning and Development Department

operating budget by \$92,000 to fund professional services related to downtown development projects. (Related to Item 13)
Postponed until July 14, 1994

13. Approve negotiation and execution of a twelve (12) month contract with KEYSER MARSTON ASSOCIATES, INC., San Francisco, California, for consultant services on downtown development, in an estimated amount not to exceed \$92,000 with one (1) twelve (12) month extension option, in an estimated amount not to exceed \$92,000, three twelve (12) month extension options in an estimated amount not to exceed \$150,000 per extension option (each extension subject to Council approval), for a total estimated amount not to exceed \$634,000 over the five (5) year period. (Funding is available in the 1993-94 operating budget of the Department of Planning and Development.) Best proposal of fifteen (15). 10.6% MBE, 5.4% WBE Subcontractor participation. (Related to Item 12)
Postponed until July 14, 1994

ORDINANCES

14. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 5608 to 5804 Courtyard Drive, Case No. C14-93-0120, from "SF-4A", Single Family Residence (small lot) to "SF-6", Townhouse and Condominium Residence, "SF-2", Single Family Residence (standard lot), and "SF-6-CO", Townhouse and Condominium Residence-Conditional Overlay, COURTYARD TENNIS & SWIM CLUB (Glenn H. Ivy). First reading on April 28, 1994; Vote 5-0. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council.
Ordinance No. 940623-A
15. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 6929 Airport Boulevard, Case No. C14-93-0150, from "CS", Commercial Services to "CS-1", Commercial Liquor Sales, H.E. BUTT GROCERY CO. (Todd Piland), by Graves, Dougherty, Hearon & Moody (Anne B. Vanderburg). First reading on February 3, 1994; Vote 5-0, Councilmember Shea out of the room. Conditions met as follows: the conditions imposed by Council have been incorporated into a restrictive covenant which has been executed.
Ordinance No. 940623-B

Items 14 - 15 approved on Mayor Pro Tem Nofziger's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Reynolds absent.

16. Authorize acceptance of \$40,000 in additional grant funds from the Texas Department of Transportation for the Intelligent Vehicle Highway System Program; amend Ordinance No. 930915-A, the 1993-94 operating budget by appropriating \$40,000 in additional grant funds to the Public Works and Transportation Department Special Revenue Fund, for a total grant amount of \$125,000.

Ordinance No. 940623-K approved on Councilmember Goodman's motion, Councilmember Garcia's second, 5-0 vote, Councilmember Shea out of the room and Councilmember Reynolds absent.

17. Amend the Austin City Code, Section 8-13-183, to revise the method used to determine the taxicab rate of fare. (No fiscal impact.) [Recommended by the Urban Transportation Commission]

Ordinance No. 940623-C approved on Mayor Pro Tem Nofziger's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Reynolds absent.

18. Approve the release of approximately 3.3 acres of land from the Extraterritorial Jurisdiction of the City of Austin to that of West Lake Hills. (No fiscal impact).

Ordinance No. 940623-L approved on Councilmember Goodman's motion, Councilmember Garcia's second, 5-0 vote, Mayor Pro Tem Nofziger out of the room, Councilmember Reynolds absent.

19. Deny approval of service tariffs providing for four new services submitted by Texas Utilities Electric Company (TUEC). [No fiscal impact]

Ordinance No. 940623-D approved on Mayor Pro Tem Nofziger's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Reynolds absent.

20. Authorize the issuance of a replacement bond to be issued in lieu of City of Austin, Texas, Combined Utility Systems Revenue Bond, Series 1982A, dated November 15, 1982, numbered 2303. (Witter Reynolds, Inc., will pay all costs associated with replacing the bond.)

Ordinance No. 940623-M approved on Councilmember Goodman's motion, Councilmember Garcia's second, 5-0 vote, Mayor Pro Tem Nofziger out of the room, Councilmember Reynolds absent.

21. Approve Second Amendment to Utility Construction Contract with Southland Oaks MUD to delete a construction project (Slaughter Creek Transfer force main and lift station), make corresponding adjustment of the District's pro rata responsibility for contract revenue bond debt service from 8.4038% to 4.9%, and provide for disposition of approximately \$497,500 in surplus construction funds and interest in the construction account. (No fiscal impact in FY 1993-94. The Water and Wastewater Utility will receive \$473,123 in surplus construction funds in FY 1994-95. Future debt service payments will be revised to reflect the City's new pro rata share.) [Related to Items 33 & 34]

Ordinance No. 940623-N approved on Councilmember Garcia's motion, Mayor Todd's second, 5-0-1 vote, Councilmember Shea abstained, Councilmember Reynolds absent.

Mid-Year Budget Amendments (Items 22-31)

22. Amend Ordinance No. 930915-A, the 1993-94 operating budget of the Drainage Utility Fund, by increasing the beginning balance by \$1,916,734, increasing appropriations by \$739,000, and increasing the ending balance by \$1,177,734 to fund Materials

Disposal, Storm Sewer Pipe Replacement, Storm Sewer Inspections, Pond Maintenance and Street Drainage Improvements. (Recommended by the Environmental Board)

Ordinance No. 940623-P approved on Councilmember Garcia's motion, Mayor Todd's second, 5-0 vote, Councilmember Mitchell out of the room, Councilmember Reynolds absent.

23. Amend Ordinance No. 930915-A, the 1993-94 operating budget of the Child Safety Fund by: a) increasing the budgeted beginning balance of the Child Safety Fund by \$362,642; b) increasing budgeted revenue by adding interest of \$26,000; and c) increasing appropriations in the Child Safety Fund by \$388,642. (The 1993-94 Child Safety Fund beginning balance is \$362,642 more than the budget estimate. The 1993-94 Child Safety Fund interest is estimated to be \$26,000 more than budgeted. The total 1994-95 cost for the Child Safety Fund Sidewalk Program is estimated to be \$350,000.)

Ordinance No. 940623-E approved on Mayor Pro Tem Nofziger's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Reynolds absent.

24. Amend Ordinance No. 930915-A, the 1993-94 operating budget, amending the 1993-94 operating budget of the Drainage Utility and the 1993-94 operating budget of the Environmental and Conservation Services Department by: a) increasing budgeted development fee revenue in the Drainage Utility by \$152,000; b) increasing appropriations in the Drainage Utility by \$75,000; c) increasing appropriations for expenses and expense refunds in the Environmental and Conservation Services Department by \$75,000; and d) authorizing three (3) additional full-time positions in the Environmental and Conservation Services Department to address increased work associated with an increase in development activity. (\$75,000 in expenses will be paid out of an additional \$152,000 in development fee revenue.) [Recommended by the Environmental Board]

Ordinance No. 940623-Q approved on Councilmember Garcia's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Shea out of the room, Councilmember Reynolds absent.

25. Amend Ordinance No. 930915-A, the 1993-94 operating budget, amending the General Fund by increasing the appropriation for the Fire Department by \$34,000 for the wildland/urban interface fire suppression program. (Funding available from the General Fund Budgeted Unreserved Ending Balance.)

Ordinance No. 940623-R approved on Mayor Pro Tem Nofziger's motion, Councilmember Garcia's motion, 5-0 vote, Councilmember Shea out of the room, Councilmember Reynolds absent.

26. Amend Ordinance No. 930915-A, the 1993-94 operating budget by transferring \$22,500 from the General Fund Budgeted Unreserved Ending Balance and appropriating \$22,500 to the Emergency Medical Services Department operating budget to fund the purchase of fifteen (15) pulse oximeters.

Ordinance No. 940623-F

27. Amend Ordinance No. 930915-A, the 1993-94 operating budget to decrease the General Fund Ending Balance by \$5,643 and increase the Transfer Out to the Support Services Fund by \$5,643; increase the Support Services Fund Transfer In from the General Fund by \$5,643 and increase the requirements of Financial Services by \$5,643 and add one full-time equivalent (FTE) to provide training for the City's financial system.
Ordinance No. 940623-G

28. Amend Ordinance No. 930915-A by increasing authorized positions by 35.8 full-time equivalents for the conversion of temporary security guards to permanent status in the Electric Utility Department. (The additional cost for converting the temporary positions for the remainder of 1993-94 is approximately \$21,250 - funding is available in the 1993-94 operating budget of the Electric Utility Department.)
Ordinance No. 940623-H

29. Amend Ordinance No. 930915-A by increasing budgeted revenue for the Electric Utility Department in the amount of \$37,925,162, and expenditures for the Electric Utility Department in the amount of \$36,850,000 (\$32,000,000 for fuel expense, \$4,000,000 for STP litigation expense and \$850,000 for Environmental and Conservation Services residential programs); increasing the beginning balance of the Electric Utility Fund by \$10,166,690 to reflect final audit figures. [The additional \$32,000,000 in fuel expense will be funded by increased current year fuel revenue (fuel cost is passed on directly to the ratepayer). Funding for STP litigation and ECSD residential programs will be provided by additional base revenues collected during the first six months of the fiscal year. The remaining \$1,075,162 increase in revenues is also provided by additional base revenues, and will increase the excess of revenues over expenditures for the year. The additional \$10,166,690 in the beginning balance is the result of changes in fuel inventory reflected in the audit.] (Related to Item 30)
Ordinance No. 940623-I

Items 26-29 approved on Mayor Pro Tem Nofziger's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Reynolds absent.

30. Amend Ordinance No. 930915-A, the 1993-94 operating budget for the Conservation Rebates and Incentives fund by increasing appropriations by \$1,120,000, increasing expense refunds from the Electric Utility by \$850,000, and increasing transfers-in from the Environmental and Conservation Services Department operating budget by \$270,000; amend Ordinance No. 930915-A, the 1993-94 operating budget for the Environmental and Conservation Services Fund by increasing transfers-out to the Conservation Rebates and Incentives Fund by \$270,000 for the installation of energy saving measures for residential and commercial businesses. (Funding in the amount of \$850,000 in additional funding from the Electric Utility Department and \$270,000 from operational savings in the Environmental and Conservation Services Fund.) [Recommended by the Resource Management Commission] (Related to Item 29)

Ordinance No. 940623-S approved on Councilmember Garcia's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Shea out of the room, Councilmember Reynolds absent.

31. Amend Ordinance No. 930915-B, the approved 1993-94 Capital Budget, by transferring \$180,649 from the Urban Watersheds Structural Control Fund and appropriating \$180,649 to the Drainage Utility Capital Budget to fund a design and construction agreement between the City of Austin and West 38th Street, Ltd. for a regional stormwater quality control facility on the Hemphill Branch of Waller Creek. (Recommended by the Environmental Board and the Planning Commission) [Related to Item 32]

Ordinance No. 940623-T approved on Mayor Pro Tem Nofziger's motion, Councilmember Garcia's second, 5-0 vote, Councilmember Shea out of the room, Councilmember Reynolds absent.

RESOLUTIONS

32. Authorize negotiation and execution of a supplemental agreement among the City of Austin, West 38th Street, Ltd. and the State of Texas to increase the cost for the design and construction of a regional stormwater quality control facility on the Hemphill Branch of Waller Creek by \$180,649, for a total contract amount of \$470,649. (Funding was included in the 1993-94 amended Capital budget of the Drainage Utility.) [Recommended by the Environmental Board] (Related to Item 31)

Approved on Mayor Pro Tem Nofziger's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Reynolds absent.

33. Authorize negotiation and execution of an agreement with CRESCENT SOUTHLAND OAKS ASSOCIATES, L.P., GRANT STREET BANK, N.A. and SOUTHLAND OAKS MUD to acquire remaining ownership interest in water line composed of 16", 20" and 24" segments located in the Brodie Lane vicinity along with appurtenant and contract rights, in an amount not to exceed \$347,000. (Funding is available in the 1993-94 operating budget of the Water and Wastewater Utility.) [Recommended by the Water and Wastewater Commission] (Related to Items 34 & 21)

Approved on Councilmember Garcia's motion, Councilmember Goodman's second, 5-0-1 vote, Councilmember Shea abstained, Councilmember Reynolds absent.

34. Authorize negotiation and execution of an agreement with CRESCENT SOUTHLAND OAKS ASSOCIATES, for construction of a 16-inch water main, wastewater lift station, force main, and gravity wastewater system to provide water and wastewater improvements in an area bounded by South MoPac, Slaughter Lane West, Manchaca Road, and FM 1626 with cost reimbursement not to exceed \$1,399,060 by the City of Austin for oversizing of these facilities. [Cost reimbursements of approximately \$700,000 will be paid from the Water and Wastewater Utility's operating fund (Approach Main/Refund Contracts). Depending on the rate of development, 2-3 annual installments beginning March 1, 1996 will be made. The remaining \$700,000 will be paid in quarterly reimbursements equivalent to the Utility's collection of Capital Recovery Fees as development occurs in the area to be served by these system improvements. Funding for the cost reimbursements is contingent upon available funding in future budgets.] (Recommended by the Water and Wastewater Commission) [Related to Items 33 & 21]

Postponed until July 14, 1994 on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 6-0 vote, Councilmember Reynolds absent.

35. Approve the selection of URBAN DESIGN GROUP (WBE), Austin, Texas, and authorize negotiation and execution of a professional services agreement for engineering services for the design of the North Access Roads for the New Austin Airport, in an amount not to exceed \$170,000. (Funding is available in the 1993-94 Capital Budget of the Aviation Department. The project is eligible for future Federal Aviation Administration (FAA) grant reimbursement at 75% of eligible costs.) Best qualification statement of five (5). DBE Subcontractor participation: 28% MBE, 72% WBE
Approved
36. Authorize the Department of Aviation to accept grants from the Federal Aviation Administration (FAA) in an amount not to exceed \$30,000,000. (Grant reimbursement will apply to projects approved by Council in the 1993-94 and the 1994-95 Capital budget.)
Approved
37. Approve eight (8) Single Family Housing Loans to eight (8) eligible families, for reconstruction or rehabilitation of one-story, single-family, owner occupied dwellings, in an amount not to exceed \$44,000 for each loan, for a total amount not to exceed \$346,563 (Funding is available in HOME Year 2 Grant Funds and CDBG 19th Year Grant Funds, budgeted in the Special Revenue Fund of the Planning and Development Department.)
Approved
38. Approve ratification of an emergency construction contract to J.C. EVANS CONSTRUCTION CO., Austin, Texas, for replacement of 24" and 6" waterlines and fittings located within the project limits of the South Lamar Boulevard and Barton Springs Road intersection project, in the amount of \$192,890. (Funding was included in the 1993-94 Capital budget of the Water & Wastewater Utility.) 0.01% MBE, 2.80% WBE Subcontractor participation. (Recommended by the Water and Wastewater Commission)
Approved
39. Approve Change Order #6 to AUSTIN BRIDGE AND ROAD, INC., Austin, Texas, to replace additional defective curbs, gutters, and sidewalks and to add replacement of additional failed asphalt pavement on Northeast Drive from Manor Road to Hwy 290, and on Oltorf from Pleasant Valley to Sunridge as part of the Northeast/Oltorf Street Reconstruction Project, in the amount of \$248,864.50 for a total contract amount of \$1,575,983.45. (Funding in the amount of \$226,264.50 was included in the 1993-94 amended Capital budget of the Public Works Department; \$21,600 was included in the 1992-93 Capital budget of the Public Works Department; \$1,000 was included in the 1991-92 Capital budget of the Water and Wastewater Utility.) 41.64% MBE, 2.92% WBE Subcontractor participation.
Approved
40. Approve a construction contract award to LOMAS CONSTRUCTION COMPANY, Manchaca, Texas, for the installation of inlet filter frames and the replacement of concrete inlets in the downtown area as part of the Stormsewer Inlet Retrofit Program 2, in the amount of \$169,740. (Funding was included in the 1993-94 Capital budget of the Drainage Utility Fund.) Low bid of four (4). 4.08% MBE, 3.53% WBE Subcontractor participation.
Approved

41. Approve a construction contract award to CAPITAL EXCAVATION COMPANY, Austin, Texas, for Transportation Systems Management (TSM) improvements at the intersection of Rundberg Lane and North Plaza, in the amount of \$116,260.20. (Funding was included in the 1992-93 approved Capital budget of the Public Works and Transportation Department.) Low bid of four (4). 3.24% MBE, 6.90% WBE Subcontractor participation.
Approved
42. Approve execution of a contract with COOPER EQUIPMENT CO., San Antonio, Texas, for the purchase of one (1) asphalt pressure distributor for the Street and Bridge Division of the Public Works and Transportation Department for seal coating in the street maintenance operations, in an amount not to exceed \$51,845. (Funding is available in the 1993-94 operating budget of the Transportation Fund.) Low bid of two (2). No M/WBE Subcontracting opportunities were identified.
Approved

Items 35-42 approved on Mayor Pro Tem Nofziger's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Reynolds absent.

43. Approve execution of a twelve (12) month supply agreement with JOSCO PRODUCTS, Austin, Texas, for the purchase of disposable wiping cloths used by all City departments, in an amount not to exceed \$54,180, with the option to extend for two (2) additional twelve (12) month periods in an amount not to exceed \$54,180 for each option period, for a total amount not to exceed \$162,540. [Funding in the amount of \$9,030 is available in the 1993-94 operating budget of the user departments. Funding in the amount of \$45,150 for the final ten (10) months of the original contract period and the extension options will be contingent upon available funding in future budgets.] Low bid of nine (9). No M/WBE Subcontracting opportunities were identified.
Approved on Councilmember Goodman's motion, Councilmember Garcia's second, 6-0 vote, Councilmember Reynolds absent.
44. Authorize negotiation and execution of a twelve (12) month contract with NATIONAL HEALTH LABORATORIES, INC., San Antonio, Texas, for Reference Pathology Laboratory Services in the amount of \$307,000, with the option to renew for two (2) additional twelve (12) month periods in the amount of \$322,350 and \$338,468 respectively for a total contract amount of \$967,818. (Funding in the amount of \$76,750 is available in the 1993-94 Federally Qualified Health Center Fund Operating budget and in the 1993-94 Special Revenue Fund for the Health and Human Services Department. Funding for the balance of the initial contract and renewal periods will be contingent upon available funding in future budgets.) Best proposal of two (2). No M/WBE Subcontracting opportunities were identified.
Postponed until July 14, 1994
45. Authorize negotiation and execution of an Interlocal Agreement with the Texas Natural Resource Conservation Commission to fund a youth environmental and conservation summer work program, in an amount not to exceed \$60,000. (Funding is included in the 1993-94 Special Revenue Fund for the Health and Human Services Department.)
Approved on Councilmember Shea's motion, Mayor Pro Tem Nofziger's second, 4-0 vote, Councilmembers Garcia and Shea out of the room, Councilmember Reynolds absent.

46. Approve negotiation and execution of a contract with LIVE OAK THEATRE, Austin, Texas, for the renovation/operation of the State Theater as a performing arts facility. City cost participation is limited to \$1,800,000 for renovation purposes. (Funding was included in the 1991-1992 Capital budget of the Parks and Recreation Department.) Best proposal of two (2). No M/WBE Subcontracting opportunities were identified. (Recommended by the Arts Commission)

Approved on Councilmember Mitchell's motion, Mayor Pro Tem Nofziger's second, 6-0 vote, Councilmember Reynolds absent.

47. Approve modification to a contract with MAINTENANCE MANAGEMENT, San Marcos, Texas, for the moving of an additional 104 acres of new medians and park lands, in an amount not to exceed \$42,382 per year for a total contract amount of \$211,912, with the option to extend for one (1) twelve (12) month period, in an amount not to exceed \$211,912 for a total contract amount of \$423,824. [Funding in the amount of \$14,113 is available in the 1993-94 operating budget of the Parks and Recreation Department. Funding for the final eight (8) months of the original contract period and the extension options is contingent upon available funding in future budgets.]

Approved on Mayor Pro Tem Nofziger's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Reynolds absent.

48. Authorize negotiation and execution of an amendment to the Professional Services Agreement with S. A. GARZA ENGINEERS, INC., (MBE), Austin, Texas, for additional Phase II design services for the Anderson Mill Transmission Main Project, in the amount of \$73,010, for a total amount of \$302,087. (Funding was included in the 1991-92 Capital budget of the Water and Wastewater Department.) 8.05% MBE, 14.52% WBE Subconsultant participation. (Recommended by the Water and Wastewater Commission)

Approved on Mayor Pro Tem Nofziger's motion, Councilmember Garcia's second, 5-1 vote, Councilmember Shea voting NO, Councilmember Reynolds absent.

49. Approve execution of a contract award to SANTOS AND ASSOCIATES, Austin, Texas, for construction/expansion of the existing basketball court at Alamo Recreation Center, in the amount of \$57,917.82. (Funding in the amount of \$10,000 was included in the 1993-94 amended Capital Budget for the Parks and Recreation Department; \$9,057 was included in the 1991-92 approved Capital Budget for the Parks and Recreation Department; and \$38,860.82 was included in the approved 1993-94 Capital Budget for the Parks and Recreation Department.) Low bid of three (3). 12.0% MBE, 5.8% WBE Subcontractor participation.

Approved

50. Authorize application of an Urban Park and Recreation Recovery Program (UPARR) grant in the amount of \$200,000 from the National Park Service to renovate Montopolis Park. (Funding for the City's in-kind match of \$25,000 is contingent upon available funding in the 1994-95 Capital Budget for the Parks Department.)

Approved

51. Authorize application of a grant in the amount of \$8,426 from the State of Texas, Governor's Office, Criminal Justice Division, to continue the Stolen Pawns Property Recovery Program for the Police Department. (Funding for the City's in-kind match of \$33,704 is contingent upon available funding in the 1994-95 operating budget of the Police Department.)
Approved

52. Approve execution of an amendment for an increase to the contract with QUALIPHARM, INC., Ft. Worth, Texas, for the management of private pharmacy services for the Health and Human Services Department Medical Assistance Program, in an amount not to exceed \$665,000, for a total contract not to exceed \$2,070,000 for the period October 1, 1993 through September 30, 1994. (Funding in the amount of \$405,000 is available in the 1993-94 operating budget of the Health and Human Services Department; funding in the amount of \$260,000 is anticipated as a reimbursement from the Travis County Rural Medical Assistance Program.)
Approved

Items 49-52 approved on Mayor Pro Tem Nofziger's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Reynolds absent.

53. Approve an amendment to a professional service agreement with JENKINS & GILCHRIST, P.C., Austin, Texas, for legal services related to physician recruitment agreements, in the amount of \$10,000, for a total amount of \$44,000. (Funding is available in the 1993-94 operating budget of Brackenridge Hospital.)

Approved on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Reynolds absent.

3:00 P.M. - ELECTRIC UTILITY - (Items 54-71)

54. Electric Utility Commission Report - Jim Cash, Chair
Report presented by Teresa Reel

55. Resource Management Commission Report - Glenn Crow, Chair
Report presented by Glenn Crow

56. Monthly Management Report
Report presented by John Moore

57. Approve the selection of POWER ENGINEERS, INC., Glenbrook Hailey, Idaho, for negotiation and execution of a professional service agreement to provide environmental studies, route selection, public involvement programs, design, and project management for the installation of electric transmission systems improvements required to implement a program to reduce the City's dependence on the current transmission system related to Holly Power Plant, in an amount not to exceed \$4,000,000. (Funding was included in the 1993-94 Capital budget of the Electric Utility Department.) Best proposal of ten (10). 10% MBE, 6% WBE Subcontractor participation.

Approved R. W. Beck and Associates on Councilmember Mitchell's motion, Councilmember Garcia's second, 6-0 vote, Councilmember Reynolds absent.

58. Approve an ordinance providing a process for the setting of electric rates.

Ordinance No. 940623-0 approving staff recommendation plus amendment by Consumer Advocate as follows:

****PROPOSED INFORMATION EXCHANGE ADDITION**

TO RATE SETTING PROCESS

PART . The Electric Utility Department shall make every effort to provide needed information to the Consumer Advocate on an expeditious and timely basis, as that information is available. The Electric Utility Department shall also make its personnel reasonably available to the Consumer Advocate for personal interviews or presentations. Informal information exchange shall begin immediately and continue until the procedures established by the Electric Utility Commission under Part 1.B are in place.

59. Approve execution of a contract with TECHLINE, INC., Austin, Texas, for the purchase of ninety (90) street light poles to be used for a new subdivision located at Loop 360 and MoPac, in the amount of \$78,660. (Funding is available in the 1993-94 operating budget of the Electric Utility Department.) Low bid of two (2). No M/WBE Subcontracting opportunities were identified.
Approved

60. Approve execution of a contract with TECHLINE, INC., Austin, Texas, for the purchase of transmission line conductor to be used in the construction of 138kV transmission lines which will connect the new Garfield Substation with the existing Onion Creek and Hi-Cross Substations, in the amount of \$541,980. (Funding was included in the 1993-94 Capital budget of the Electric Utility Department.) Low bid of six (6). No M/WBE Subcontracting opportunities were identified.
Approved

61. Approve an amendment of the contract with WESTINGHOUSE ELECTRIC CORP., San Antonio, Texas, for additional contract services for the overhaul and repair of turbines and generators at the Holly and Decker power plants, in an amount not to exceed \$237,500, for a total amount of \$1,187,500. (Funding is available in the 1993-94 operating budget of the Electric Utility Department.) Sole Source. No M/WBE Subcontracting opportunities were identified.
Approved

62. Approve a modification to a service agreement with HALL SOUTHWEST, Austin, Texas, for providing emergency hazardous material spill response services in the amount of \$83,288.04, for a total contract amount of \$208,288.04. (Funding is available in the 1993-94 operating budget of the Electric Utility Department.) 24.51% MBE, 0% WBE Subcontractor participation.
Approved

63. Approve execution of a twelve (12) month supply agreement with LIQUID CARBONIC SPECIALTY GAS CORP., San Antonio, Texas, for high quality breathing air, nitrogen, and sulfur hexafluoride gases used to maintain a breathable atmosphere when entering substation transformers for maintenance and repair, in an amount not to

exceed \$48,886, with the option to extend for an additional two (2) twelve (12) month periods, in the amount of \$48,886 per extension, for a total amount of \$146,658. [Funding in the amount \$12,221 is available in the 1993-94 operating budget of the Electric Utility Department. Funding for the final nine (9) months of the original contract period and extension options is contingent upon available funding in future budgets. Low bid of five (5) meeting specifications. No M/WBE Subcontracting opportunities were identified.
Approved

64. Approve execution of a contract with ALCAD INC., c/o WEISLER & ASSOCIATES, INC., Houston, Texas, in the amount of \$77,217 and ADAIR & ASSOCIATES, INC., Houston, Texas, in the amount of \$93,860 for the purchase of batteries and battery chargers required to provide reliable direct-current power sources at electric substations, for a total amount of \$171,077. (Funding was included in the 1993-94 Capital budget of the Electric Utility Department.) Low bid of five (5) meeting specifications. No M/WBE Subcontracting opportunities were identified.
Approved
65. Approve execution of a twelve (12) month supply agreement with NUCLEAR UTILITY SERVICE TRAINING CORP., Houston, Texas, for the purchase video-based safety training materials for the Electric Utility's Transmission and Distribution Apprenticeship Training Programs, Generation Division and other Operations Divisions in the amount of \$220,098. [Funding in the amount of \$55,024 is available in the 1993-94 operating budget of the Electric Utility Department; funding for the final nine (9) months of the original contract period is contingent upon available funding in future budgets.] Sole Source. No M/WBE Subcontracting opportunities were identified.
Approved
66. Approve the execution of a contract with COOPER INDUSTRIES, Houston, Texas, for the purchase of special alloy, high pressure, high temperature pipe material to upgrade and replace the hot reheat piping on Decker Creek Power Station Unit 1, in the amount of \$183,584. (Funding was included in the 1993-94 Capital budget of the Electric Utility Department.) Low bid of two (2). No M/WBE Subcontracting opportunities were identified.
Approved
67. Approve execution of a twelve (12) month supply agreement with TECHLINE, INC., Austin, Texas, in the amount of \$66,738.30; POWER SUPPLY OF AUSTIN, INC., Austin, Texas, in the amount of \$58,762; POLELINE ELECTRIC SUPPLY, INC., Austin, Texas, in the amount of \$48,235.65; and PREISTER-MELL & NICHOLSON INC., Austin, Texas, in the amount of \$147,521.81 for the purchase of underground electric connectors and stock items for general construction, maintenance, and repair of underground transformers, equipment, and cables for warehouse replenishment with the option to extend for up to two (2) twelve (12) month periods in the amounts of \$66,738.30, \$58,762, \$48,235.65, and \$147,521.81 respectively, per extension, for a total amount of \$963,773.28. [Funding in the amount of \$80,314.44 for the first three months of the contract period is available in the 1993-94 operating budget of the Electric Utility Department; funding for the last nine (9) months of the initial period of these contracts and their extension options will be contingent upon available funding in future budgets.] Low bid of thirteen (13) meeting specifications. No M/WBE Subcontracting opportunities were identified.
Approved

68. Approve execution of five (5) nine (9) month supply agreements with the following: CABALLO ROJO, INC., Denver, Colorado, KENNECOTT ENERGY COMPANY-ANTELOPE MINE, Gillette, Wyoming, KENNECOTT ENERGY COMPANY-CORDERO MINE, Gillette, Wyoming, AMAX COAL WEST, INC., Englewood, Colorado, and EXXON COAL USA, INC., Houston, Texas. for the purchase of 300,000 tons of spot coal for the Fayette Power Project, in the estimated amount of \$1,575,000 for all five (5) contracts. (Funding in the amount of \$472,500 is available in the 1993-94 operating budget of the Electric Utility Department; funding for the remaining \$1,102,500 is contingent upon available funding in future budgets.) Five (5) bids received. No M/WBE Subcontracting opportunities were identified.
Approved
69. Approve execution of a twelve (12) month service agreement with UNIVERSAL ELECTRIC CONSTRUCTION CO., Diboll, Texas, for overhead transmission and distribution construction and maintenance in an amount not to exceed \$4,444,385 with the option to extend for an additional three (3) twelve (12) month periods in the amount of \$4,444,385 for each extension period for a total amount not to exceed \$17,777,540. (Funding in the amount of \$4,294,385 was included in the 1993-94 Capital budget of the Electric Utility Department, \$150,000 is available in the 1993-94 operating budget of the Electric Utility Department.) Low bid of six (6). 13.99% MBE, 3.82% WBE Subcontractor participation.
Approved
70. Approve ratification of a modification to a contract with PRO-LINE MACHINE & REPAIRS, Houston, Texas, for the purchase of parts and services for the rebuilding of the Decker Power Plant's traveling water screen towers #12, #13, and #22 in the amount of \$5,833, for a total contract amount of \$38,449. (Funding is available in the 1993-94 operating budget of the Electric Utility Department.) No M/WBE Subcontracting opportunities were identified.
Approved
71. Approve the issuance of a Letter of Intent and a rebate in the amount of \$65,520 to Los Arboles Apartments, a 204-unit complex located at 9719 Stonelake Blvd., Austin, Texas, for the installation of high efficiency heat pump air conditioning equipment. Energy improvements qualifying for this rebate will save an estimated 118.96 kilowatts at a cost of \$550.77 per kilowatt saved and will save each resident approximately \$62-\$103 per cooling season in energy costs. (Funding is available in the 1993-94 operating budget of the Conservation Rebates and Incentives Fund.) [Recommended by Resource Management Commission]
Approved

Items 58-71 approved on Councilmember Shea's motion Councilmember Garcia's second, 5-0 vote, Councilmember Mitchell out of the room, Councilmember Reynolds absent.

ITEMS FROM COUNCIL

72. Approve a resolution directing the City Manager or his designee to develop guidelines for an alternative fuel plan for the City of Austin fleet vehicles. (Councilmember Brigid Shea and Mayor Bruce Todd)
Approved on Councilmember Shea's motion, Councilmember Garcia's second, 6-0 vote, Councilmember Reynolds absent.

73. Approve a resolution to extend the Hospital Authority Board through October 31, 1994. (Councilmembers Jackie Goodman and Brigid Shea)

Approved on Councilmember Garcia's motion, Councilmember Shea's second, 6-0 vote, Councilmember Reynolds absent.

74. Authorize the Acting City Manager and a citizen coordinating group to review the City's Master Plan and implementing ordinances, and report to the City Council on the scope of work required to update them. (Councilmembers Jackie Goodman and Brigid Shea)

Approved 1st reading on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Reynolds absent.

75. Establish a Legislative Subcommittee of the City Council and appoint its membership from the City Council. (Councilmembers Gus Garcia and Brigid Shea, and Mayor Bruce Todd)

Approved on Mayor Pro Tem Nofziger's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Reynolds absent.

76. Approve a resolution directing the City Manager to provide a City employee budget-cutting hotline to solicit input from City employees on strategies to reduce waste and maximize efficiency in the city budget. (Councilmember Brigid Shea)

Approved on Councilmember Shea's motion, Councilmember Garcia's second, 6-0 vote, Councilmember Reynolds absent.

4:00 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

77. C14H-93-0016 - B.J. SMITH HOUSE, by SHB, Inc., 700 West 6th Street. From CBD to CBD-H. Planning Commission Recommendation: To Grant CBD-H, Central Business District-Historic, zoning based on designation criteria items (1), (2), (3), (6), (8), (9), (11), (12) and (13).

Postponed until July 28, 1994 on Mayor Pro Tem Nofziger's motion, Councilmember Goodman's second, 4-2 vote, Mayor Todd and Councilmember Mitchell voting NO, Councilmember Reynolds absent.

78. C14-94-0035 - TEXAS HIGH SCHOOL COACHES (Eddie Joseph), by Amelia Bullock Realtors (Mary Joseph), 1010 and 1012 East 53rd Street. From SF-3 to CS. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay, zoning subject to the recordation of an access agreement allowing access to the IH-35 access road, with the property to the east, prior to the City Council's third reading. The provisions of the conditional overlay are as follows: (1) limit floor-to-area ratios (F.A.R.s) - 1.00 to 1 for Retail (general & convenience), 0.45 to 1 for Restaurant (general & limited), 1.00 to 1 for Financial Services, and 0.38 to 1 for Food Sales; (2) prohibit access from East 53rd Street; (3) prohibit the following uses - Auto Repair Services, Exterminating Services, Pawn Shop Services, Restaurant (fast food), and Service Stations. Approved Planning Commission Recommendation, 1st reading

79. C14-94-0044 - ULTRA INVESTMENTS INC. (Tim Jamail), 5601 Sunset Ridge. From GO to GO-MU. Planning Commission Recommendation: To Grant GO-MU-CO, General Office-Mixed Use-Conditional Overlay, zoning with the provisions of the overlay to limit the residential density to one single family residence. Ordinance No. 940623-U, Planning Commission Recommendation
80. C14-94-0047 - TEXAS FIFTH WALL ROOFING SYSTEMS, INC. (Rick Fleming/Debbie Byrns), 3621 Silver Dollar Circle. From DR to LI. Planning Commission Recommendation: To Grant LI-CO, Limited Industrial Services-Conditional Overlay. The overlay limits development to an intensity of less than 2,000 vehicle trips per day. Further subject to a restrictive covenant requiring compliance with the Integrated Pest Management Program. Ordinance No. 940623-V, Planning Commission Recommendation
81. C14-94-0051 - J.W. NEWMYER & ASSOC., INC. (J. Wesley Newmyer), 3600 Silver Dollar Circle. From DR to LI. Planning Commission Recommendation: To Grant LI-CO, Limited Industrial Services-Conditional Overlay, zoning. The overlay limits development to an intensity of less than 2,000 vehicle trips per day. Further subject to a restrictive covenant requiring compliance with the Integrated Pest Management Program. Ordinance No. 940623-W, Planning Commission Recommendation
82. C14-94-0055 - LEMUEL SCARBROUGH (Lemuel Scarbrough, Jr.), by Graves, Dougherty, Hearon & Moody (Wm. Terry Bray), 4400 to 4800 Far West Boulevard. From PUD to SF-2. Planning Commission Recommendation: To Grant SF-2-CO, Single Family Residence (standard lot)-Conditional Overlay; DR-CO, Development Reserve-Conditional Overlay; and RR-CO, Rural Residential-Conditional Overlay, zoning with the provisions of the conditional overlay as follows: (1) the SF-2 tract shall have a density limitation of 15 single-family lots; (2) the DR tract shall remain undeveloped as a buffer zone and identified on the subdivision and/or site plan as an undeveloped buffer zone; and (3) the RR tract (6 acres) shall be limited to one residential unit. Approve Planning Commission Recommendation, 1st reading
- Items 78-82 approved on Councilmember Goodman's motion, Councilmember Shea's second, 6-0 vote, Councilmember Reynolds absent.
83. C14-94-0057 - FAIRVIEW BAPTIST CHURCH (Kenneth E. Davison), by Brown, McCarroll & Oaks Hartline (Henry E. Gilmore), 5600 S. 1st Street and 715 W. Stassney Lane. From SF-3 to GR. Planning Commission Recommendation: To Grant GR-CO, Community Commercial-Conditional Overlay, zoning. The conditional overlay limits development to an intensity of less than 2,000 vehicle trips per day. Further, subject to prohibit automotive sales and pawn shop uses. Approved Ordinance No. 940623-Z on Councilmember Goodman's motion, Mayor Pro Tem Nofziger's second, 6-0 vote, Councilmember Reynolds absent.
84. C14-94-0058 - LEN E. LAYNE, by Ann M. Anderson, McKinney Falls Parkway and Burleson Road. From DR to LI. Planning Commission Recommendation: To Grant LI-CO, Limited Industrial Services-Conditional Overlay for Tract 1 and IP-CO,

Industrial Park-Conditional Overlay for Tract 2, subject to dedication of up to 50' of right-of-way from the future centerline of McKinney Falls Parkway and 45' of right-of-way from the future centerline of Burleson Road. The provision of the overlay would limit intensity and uses to a level that would generate less than 2,000 vehicle trips-per-day.

Close public hearing on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Reynolds absent.

Approved 1st reading of staff recommendation of IP-CO, Industrial Park-Conditional Overlay, subject to dedication of up to 50' of ROW from the future centerline of Burleson Road on Councilmember Goodman's motion, Mayor Pro Tem Nofziger's second, 6-0 vote, Councilmember Reynolds absent.

85. C14-94-0059 - NORA B. WISE, TRUSTEE, 1203 West 45th Street. From LO to LO-MU-CO. Planning Commission Recommendation: To Grant LO-MU-CO, Limited Office-Mixed Use Combining District-Conditional Overlay, zoning with the provisions of the conditional overlay to prohibit medical offices and limit residential uses to only one living unit.
Ordinance No. 940623-X, Planning Commission Recommendation
86. C14-94-0037 - MINCO TECH LABS INC. (Scott Schlicke), The Faust Group (W.M. Faust), 1805 Rutherford Lane. From IP to GR. Planning Commission Recommendation: To Grant GR, Community Commercial, zoning as amended.
Ordinance No. 940623-Y, Planning Commission Recommendation
87. C14-94-0038 - HAROLD C. ANDERSON, by Security Knowledge Center (Sammy Langford), 6604 Berkman Drive. From SF-3 to GR.
Postponed Indefinitely

Items 85-87 approved on Councilmember Goodman's motion, Councilmember Shea's second, 6-0 vote, Councilmember Reynolds absent.

88. C14-94-0050 - RED RIVER CAFE (Rahim Javanmardi), 2912 Medical Arts Street. From LR to GR.
Planning Commission Recommendation: To deny GR zoning.

Deny GR zoning on Mayor Pro Tem Nofziger's motion, Councilmember Garcia's second, 6-0 vote, Councilmember Reynolds absent.

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive Session held from 5:35 to 6:15 p.m. on items 90-93.

The City Council will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel to discuss matters of land acquisition, litigation and personnel matters as specifically listed on the meeting agenda. Council would take any subsequent action in the open meeting as listed on the agenda. The City Council may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item listed on this agenda.

89. Seek legal advice regarding school districts development agreement.
90. To obtain advice of legal counsel regarding audit of Barton Springs Edwards Aquifer Conservation District.
91. Discuss settlement of disputed contract claim with the Thomas Company.
92. Discussion of real property acquisition for the Barton Creek Wilderness Park.
93. Discuss settlement of Donna Minks v. City of Austin; Cause No. A-CA-93-237SS.
94. Interview and deliberation on the appointment, employment and duties of the City Manager. (Mayor Bruce Todd, Mayor Pro Tem Michael "Max" Nofziger and Councilmember Gus Garcia)

ACTION ON THE FOLLOWING

95. Authorize development agreements with independent school districts.
No Action Taken
96. Approve negotiation and execution of a settlement agreement with the Thomas Company regarding the construction contract relating to the repair of Shoal Creek Gabion Wall, Project No. 510-600-7240-5560.
Approved agreement of \$25,000 on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 6-0 vote, Councilmember Reynolds absent.
97. Approve post-trial settlement of Donna Minks v. City of Austin; Cause No. A-CA-93-237SS.
Approve settlement of \$110,000 on Councilmember Garcia's motion, Councilmember Shea's second, 5-0-1 vote, Councilmember Mitchell abstained, Councilmember Reynolds absent.
98. Approve the appointment and salary benefits package for the City Manager. (Mayor Bruce Todd, Mayor Pro Tem Michael "Max" Nofziger and Councilmember Gus Garcia)
No Action Taken

ADDENDUM

ORDINANCES (continued)

99. Authorize acceptance of \$47,525 in grant funds from the Texas Department of Health, Tuberculosis Elimination Division, for Tuberculosis prevention and control activities; amend Ordinance No. 930915-A, the 1993-94 operating budget, amending the Special Revenue Fund by increasing appropriations by \$13,978 for the period from April 1, 1994 to August 31, 1994, and by \$33,547 for the period from September 1, 1994 to August 31, 1995, for the Health and Human Services Department, and authorizing 1.0 grant funded full-time equivalent.
Ordinance No. 940623-J approved on Mayor Pro Tem Nofziger's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Reynolds absent.

ADJOURN at 6:26 p.m. on Councilmember Goodman's motion, Councilmember Shea's second, 6-0 vote, Councilmember Reynolds absent.

Approved this the 4th day of August, 1994 on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 7-0 vote.

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